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Ordnance Survey [100018056]



Rutland County Council

**Catmose,
Oakham,
Rutland
LE15 6HP**

Application:	2021/1452/MAO	ITEM 2	
Proposal:	Outline application with all matters reserved except for means of access, for residential development of up to 75 no. dwellings with associated public open space, landscaping and infrastructure.		
Address:	Land Off Park Road, Ketton, Rutland		
Applicant:	Vistry Homes Ltd	Parish	Ketton
Agent:	Pegasus Group	Ward	Ketton
Reason for presenting to Committee:	Policy considerations and objections		
Date of Committee:	15 February 2022		
Determination Date:	15 March 2022		
Agreed Extension of Time Date:	N/A		

EXECUTIVE SUMMARY

The site is outside the Planned Limits to Development for Ketton. There have been many objections to the development. Issues of policy, archaeology, highway safety, flooding and residential amenity are all acceptable. A previous refusal solely on the ground of having a 5 year housing supply is no longer relevant so the application is recommended for approval.

RECOMMENDATION

APPROVAL, subject to the completion of a S106 agreement for affordable housing and open space provision and maintenance, and the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping (including design and layout of open spaces), layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: The application as submitted does not provide sufficient particulars for consideration of these details.
3. The development shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
4. The Reserved Matters shall be based upon the following plans and documents:
 - Illustrative Master Plan Ref. EMS2818_002 Sheet No: 01 Rev: G
 - Design & Access Statement, EMS2818_200, Aug 2020;
 - Flood Risk Assessment (Drainage Strategy) Glanville, 12 August 2020;
 - Proposed Access Junction Layout plan ADC1366/001
 - The recommendations for biodiversity enhancements on Page 5 of the Extended Phase 1 Habitat Survey (CBE Consulting Aug 2020)
 - The advice from Leicestershire County Council Ecologist in response to this application.
Reason: To ensure that the final development accords with the parameters set out in

the outline application, the provision of an alternative form of layout would be likely to have a detrimental impact on residential amenity, on the amount of open space available and the space available for a sustainable drainage scheme, in the interests of proper planning.

5. The Reserved Matters shall provide for a maximum of 75 dwellings.
Reason: The provision of a greater number of dwellings would reduce the space available for open space, sustainable drainage, ecological interests and result in a cramped form of development and in accordance with Policies SP5 and SP15.
6. No development above damp course level shall take place until details of the facing and roofing materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application, in accordance with Policies SP5 and SP15.
7. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To ensure that the landscaping is carried out at the appropriate time and is properly maintained, in accordance with Policy SP15.
8. The plans and particulars submitted in accordance with condition 2 above shall include:
 - (i) a plan to a scale of 1/500 or 1/200 showing the location of and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - (ii) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - (iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (iv) details of any proposed alterations in existing ground levels and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (i) above.

Reason: To ensure that the final layout of the site takes account of important trees on and around the site, in the interests of sustainability and visual amenity and in accordance with Policy SP15.

9. No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in

positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site, in accordance with Policy SP15.

10. No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority, by means of a sustainable drainage system, based on the Flood Risk Assessment and Drainage Strategy submitted with this outline application. The submitted details shall:

- include a timetable for its implementation; and
- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development does not lead to additional risk of flooding in the local area or the nearby strategic highway network, in accordance with Policy SP15 and Chapter 14 of the NPPF.

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To ensure that the development is carried out in a manner that minimises disruption to the highway network, in the interests of highway safety and in accordance with Policy SP15.

12. The landscaping scheme to be submitted as part of the Reserved Matters shall include the recommendations for biodiversity enhancements in section 4.4 of the Extended Phase 1 Habitat Survey submitted with the outline application.

Reason: To ensure that the layout and landscaping of the site is acceptable in terms of biodiversity, in accordance with policies CS22 and SP19.

13. No development shall take place within the application site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with policies CS22 and SP20.

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| <p>14. The pedestrian/cycle link from the site to Park Road shall be provided before the occupation of the nth house, in accordance with details that shall have been submitted as part of the Reserved Matters layout and landscaping details.
Reason: In the interests of permeability of the site to the remainder of the village.</p> |
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Site & Surroundings

1. The application site is located to the south-west of the centre of Ketton village. The site comprises a rectangular parcel of land comprised of approximately 5.52ha of agricultural land.
2. The site is bound to the north-east and south-east by modern residential housing developments along Bartles Hollow, Timbergate Road and Wytchley Road. To the south-west of the site there is a mature woodland (Cats' Hill Spinney) and to the north-west agricultural fields.
3. The site boundary features include a mix of mature hedgerow, woodland and residential timber fences.
4. The site is sloping with levels falling by approximately 20m from the western corner to the north eastern corner. The slope is undulating with some natural plateaus before falling into a hollow along the north east boundary.
5. The application site is located adjacent to but outside of the planned limits of development for Ketton as designated in the adopted Development Plan.

Proposal

6. The proposed development seeks outline permission with all matters reserved for future approval, with the exception of the means of access from Bartles Hollow.
7. The application seeks approval for up to 75 dwellings along with its associated infrastructure, including drainage, landscaping and public open space. A new access is proposed to be taken from Bartles Hollow this would then lead into primary and secondary streets within the development.

Relevant Planning History

2020/0942/MAO – Erection of up to 75 dwellings – Refused July 2021 for the following single reason:

The site is outside the Planned Limits to Development for Ketton where new housing has to be demonstrably essential for a rural worker or similar operational needs. There is no justification in this instance for setting aside the development plan. The proposal is thereby contrary to Policy CS4 of the Core Strategy (2011), SP6 of the Site Allocations and Policies DPD (2014) and the advice in the National Planning Policy Framework.

That decision is currently subject to an appeal to the Planning Inspectorate.

Planning Guidance and Policy

National Planning Policy Framework (NPPF) 2019

Chapter 2 - Achieving Sustainable Development (Para 11 – Presumption in favour of sustainable development):

Para 11

Plans and decisions should apply a presumption in favour of sustainable development.

For **decision-taking** this means:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making efficient use of land

Chapter 12 – Achieving well designed places

Chapter 14 – Meeting the challenge of climate change, flooding etc.

Chapter 15 – Conserving the Natural Environment

Core Strategy DPD (2011)

CS01 – Sustainable development principles

CS02 – The spatial strategy

CS03 - The Settlement Hierarchy

CS04 - The Location of Development

CS08 - Developer Contributions

CS10 - Housing Density & Mix

CS11 - Affordable Housing

CS18 – Sustainable transport and accessibility

CS19 - Promoting Good Design

CS21 – The Natural Environment

CS22 - The Historic and Cultural Environment

CS23 – Green Infrastructure, open space and recreation

Site Allocations and Policies DPD (2014)

SP1 - Presumption in favour of sustainable development

SP2 – Sites for residential development

SP5 - Built Development in the Towns and Villages

SP6 - Housing in the Countryside

SP9 - Affordable Housing

SP15 - Design and Amenity

SP19 – Biodiversity and geodiversity conservation

SP20 – The historic environment

SP22 – Provision of New Open Space

SP23 - Landscape Character in the Countryside

Other Policies

Planning Obligations SPD - 2016

The Council's current adopted strategic policy on developer contributions is set out in Policy CS8 and the supporting text of the Core Strategy Development Plan Document. The Council has also adopted the Community Infrastructure Levy (CIL) that places a levy on new developments in Rutland towards meeting the costs of infrastructure. There is also scope for the provision of S106 Agreements, entered into by developers under S106 of the Town and Country Planning Act (1990) to make their developments acceptable. These are now mainly related to affordable housing and exceptional cases where site specific physical infrastructure, community facilities or services are essential to make the development proposed acceptable. The current adopted policies regarding affordable housing is set out in Policy CS11 of the Core Strategy and Policy SP9 of the Site Allocations and Policies DPD. These are supplemented by the Planning Obligations Supplementary Planning Document – 2016.

Neighbourhood Plan

Ketton and Tinwell had a neighbourhood area designated in September 2018, with a view to creating a neighbourhood plan, though a draft plan has not been published at the time of writing this report.

Officer Evaluation

8. The main issues are planning policy, design, highway safety, flooding, archaeology, ecology and provision of affordable housing.

Principle of the use

9. In terms of planning policy members are aware that the withdrawal of the replacement Local Plan has left the authority without a 5 year housing land supply. The current situation is about 3.5 years. This means that the locational policies for housing in the development plan are out of date. The Council's inability to demonstrate a 5 year HLS means that the tilted balance in Para 11(d) of the NPPF is invoked and planning permission should be granted unless there are other overriding reasons why it should not be.
10. In this case all other issues were considered in the last application in July of 2021 and were considered to be acceptable. There has been no change in circumstances in those other issues since then.
11. An appeal is pending on the previous refusal which the Council will find difficult to defend if this application is refused. The Council will need to agree a Statement of Common Ground with the appellant which will inevitably include the fact that there is no 5 year housing land supply. There are therefore no other grounds for contesting an appeal.
12. There are benefits in granting permission subject to our conditions rather than leaving it to an Inspector to decide. An Inspector if he/she determines approval of the scheme may not impose conditions the Council feel are necessary nor approve S106 obligations.

Issues considered in the previous application (no change in circumstances)

Impact of the use on the character of the area

13. This is an outline application with all matters reserved for subsequent approval with the exception of the access. Notwithstanding this it is considered that although the site has sloping topography it has the potential to accommodate some residential development

and that this could be assessed in full at the reserved matters stage of the development. The illustrative masterplan also shows open space at the top of the slope which would reduce the overall visual impact of the development when viewed from a distance.

Impact on the neighbouring properties

14. Although this is an outline application the submitted illustrative masterplan demonstrates that there is sufficient space to accommodate the proposed development without having any significant impact on the residential amenities of the occupiers of existing properties bordering the site in terms of overlooking or loss of light. The back to back distances to Timbergate Road meet the criteria set out in the new Rutland & SK Design Guide.
15. Concerns have been raised about the loss of views from existing properties but this is not a material planning consideration.

Highway issues

16. Concerns have been raised by a number of objectors about highway safety and capacity. The local highway authority had originally recommended refusal of the application due to lack of information.
17. The applicant carried out an assessment of Empingham Road on the previous application, including the cross roads. They have looked at peak highway times and peak school times. The survey dates were agreed with RCC and were carried out once all schools were open after a lockdown.
18. The survey shows that there is sufficient capacity on Empingham Road and at the cross roads to cater for the development, therefore one access onto Bartles Hollow is acceptable to the local highway authority and they have withdrawn their objections to the development, the access arrangements are therefore considered to be acceptable.

Noise

19. Concerns have been raised in relation to noise and disturbance from the development particularly during the construction phase. There would inevitably be some disturbance during the construction period. This can be control by suitable conditions.

Ecology

20. The submitted metric indicates that there is a potential 16.99 Bio-diversity Unit gain on site. There is no ecological value of the actual land at present and the existing value is in the hedges and trees surrounding it.

Section 106 Heads of Terms

21. If the development is approved a Section 106 legal agreement would be required in order to secure the provision of and on-going maintenance of the open space and to secure the 30% affordable housing requirements.
22. The development would be liable for the Community Infrastructure Levy which will contribute towards local services.

Crime and Disorder

23. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

24. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.
25. It is considered that no relevant Article of that act will be breached.

Consultations

26. Ketton Parish Council

Objections - We note that the original planning application 2020/0942/OUT which was refused, attracted very many resident objections. The current application is little different to the original application, and as a consequence contains much out of date information, especially in terms of Ketton being a 'sustainable location'(see points 2, 3, 6), and data based on the 2011 census.

- The site is outside the current Planned Limits of Development of the village and is a greenfield site. Grade 3 Agricultural land is what most of Rutland has (Grades 1 and 2 tend to be Fenland peats), and can be very productive in terms of ecosystem services (provisioning eg food, regulating eg flood prevention, supporting eg nutrient cycling and cultural eg aesthetic).

In this respect, the proposed development is contrary to most aspects of CS1 Sustainable Development Principles.

The Ketton and Tinwell Joint Neighbourhood Plan Survey

(<https://ket2tin.wixsite.com/kettinnp> survey, March 2020, 30% response rate) showed that 64% of respondents (rising to 75% of those with an opinion) said that homes should not be built outside the Planned Limits of Development; 86% said that the Planned Limits of Development should be kept the same or decreased; 72% (rising to 82% of those expressing an opinion) said that new homes should be built on brownfield sites, and over 60% said that farm fields were a very important aspect of the natural environment and landscape.

- There are already 3 designated sites for residential development in the village - Chater Field (21 dwellings), The Crescent (50 dwellings) - these both have had recent planning approval; and Home Farm (15 dwellings) - which is likely to be given approval shortly. This gives a total of 86 new homes, which is 64% of Rutland's annual housing requirement. With another 4 sites, including this proposal, at various stages in the planning application process, Ketton could be providing 253 houses which is equivalent to 1.9 years of Rutland's 5 year housing supply. This is an unacceptable burden for one village, on the far East of the county, with no public transport access to Oakham, to bear. This is contrary to CS9 in terms of the distribution of new housing.
- The existing facilities and amenities in Ketton are inadequate for a further 75 homes on top of the 86 homes already allocated. The village school is at capacity, there is only 1 shop (not open on Sundays), only 1 pub, no eating facility, no village car parks, no filling station, no children's playground at Ketton Sports and Community Centre, and no doctors' surgery. It is difficult to see how most of these facilities could be improved using section 106/CIL. This is contrary to CS1
- 75 new homes at the land off Park Road, together with 3 other possible housing developments off the Luffenham and Empingham Roads, could produce a huge increase in traffic within and through the village. The greatest effect will be on traffic

volumes down Empingham Road and at the junction of the Empingham Road with the High Street. Most traffic will travel along the High Street, passing the school, library and shop, and be joined by further traffic from the 3 designated/approved sites towards Stamford.

The roads in the centre of the village, have narrow pavements, and, the High Street from just west of the shop until just after Bull Lane, is already congested with parked cars for much of the day.

The Transport Assessment states that the development will result in an additional 46 peak time traffic movements and that these extra movements will 'not be material'. This underestimates the increase in vehicles due to the proposed development, as it is based on 2011 data from edge of town and suburban sites - both of which may have lower car use due to closer/better access to a town and bus services etc and are not relevant to a village on an A road, 5km from the nearest town and with poor public transport (see point 6). Leicestershire and Rutland Police have commented that 2018 traffic data cannot be used to assess risk for conducting a 'Speed Watch' as it is 'out of date'.

The Ketton and Tinwell Joint Neighbourhood Plan Survey found that the major traffic problems in Ketton were deemed to be parking (55%), traffic speed (44%) and traffic volume (33%).

- There is only one access road to the proposed development, via a blind bend in Bartles Hollow, and the roads within the development are quite narrow, with many bends. Given that the off road parking provision within the new development may be inadequate (the Ketton and Tinwell Joint Neighbourhood Plan Survey found that 41% of current households have 2 cars and 19% have 3 or more cars), the new estate's roads may easily become congested with residents' parked cars, visitor cars, delivery vans etc The single access point at Bartles Hollow will become congested at busy times for travelling to and from work, school etc and could be a safety issue for the increased number of school children walking to school or to the school bus stop. Emergency vehicles may also have problems accessing the development.

Residents of Bartles Hollow, near the access road will be heavily affected by construction traffic during the construction phase of the development, which could be over several years.

- Sustainable Transport

The Transport Assessment states that 'the existing public transport infrastructure has capacity to accommodate the proposed demands of the development'. Although there is a regular bus service to Stamford and Uppingham it does not run on Sundays, and the times do not link with train times in Stamford. With the new (Sep 2021) service provider, route and timetable, the first bus arrives in Stamford at 8.58 - too late for schools, connections to other school buses or commuting trains, or for most jobs. The last bus to leave Stamford for Ketton is at 17.40 and therefore unsuitable for getting home from work or commuting home by train.

There is no direct public transport to Oakham to access the county offices at Catmose. Stamford train station is 750m from the bus station and the 60 parking places are already inadequate for the current usage - a problem that will only increase with the new and proposed developments in Stamford. Parking in Stamford as a whole is already a problem.

Call Connect is of limited use especially if you need to use it to reach (and get back from) a particular destination at certain times that do not coincide with requirements of

other users.

The Transport Assessment states that 'the train station at Stamford is within cycling distance', but in another section 'there are no designated cycle routes, but experienced cyclists can use the carriageway' - therefore hardly a sustainable option for most people. Additionally, the cycle parking at Stamford Station is minimal and vulnerable, being not on the platform or surveyed by CCTV.

The Ketton and Tinwell Joint Neighbourhood Plan Survey found that the car was the main form of transport for work (50%), shopping (90%), and leisure (over 50%), and that bus, taxi and Call Connect usage was very low.

- Much of the site is on a slope (1:20 - 1:16), with an 18.3 metre difference in height across the site. The Design and Access Statement states that 'the site is visible from a number of locations' and therefore will be visible from much of Ketton and will overlook the existing properties in Timbergate Road. The Timbergate Road and Park Road properties adjoining the site will suffer a loss of privacy due to the proximity of proposed new dwellings.

The site, and Bartles Hollow, already suffers localised surface water flooding, which was considerable during the winter of 2020/21. This is likely to be intensified by the run off from this proposed new estate and the increasing fluctuating and unpredictable weather patterns resulting from climate change. The lowest point of the development is behind number 7 and 9 Bartles Hollow, the proposed access road and the 2 proposed new dwellings on the plot corner; the drainage pond is at a greater height, and when it overflows 'goes to ground' (rather than to a sewer) so could result in localised flooding at the lowest point.

- Biodiversity Net Gain

Biodiversity Net Gain seems to rely on the creation of a wetland habitat, having a grassland areas with some trees and the subjective, rather than data based, view that cultural and regulating ecosystem services will increase.

A retention or attenuation 'pond' can only be of a high aesthetic and ecological benefit if it is constructed and maintained to function as a 'pond' in both wet and dry conditions. Also, if litter/debris is removed, inlets and outlets are cleaned, vegetation is managed and sediment is monitored and removed as necessary.

Tree or hedge planting, and establishing a meadow will take several years, with suitable management, to achieve BNG. Without a legal agreement of no further development on the site, BNG may never be gained.

Similarly, bird and bat boxes need to be positioned carefully, remain in place (not removed by residents), be maintained regularly and only be exposed to bat-friendly lighting if they are to contribute to BNG.

In summary, Ketton Parish Council objects to the proposed development on the basis that it will adversely affect the village in the ways listed above, and any benefit is already served by other designated developments in the village, and proposals in the surrounding area.

27. **Highways** (prev comments for now)

Since October 2020 the applicant carried out an assessment of Empingham Road, including the cross roads. They have looked at peak highway times and peak school times. The survey dates were agreed with RCC and were carried out once all schools

were open after the lockdown.

Highways previously recommended refusal on this application on 13/10/2020 as insufficient information was provided.

The survey showed that there is sufficient capacity on Empingham Road and at the cross roads to cater for the development, therefore one access onto Bartles Hollow is acceptable

28. **Archaeology**

We welcome the desk-based assessment and geophysical survey and while there are little anomalies with the geophysical results there are some which do not correspond with anything from the historic mapping. Also, some archaeological remains cannot be seen within geophysical survey such as pre-historic remains.

The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. In consequence, the local planning authority should require the developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 199).

In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 190, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 199, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.

If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present:

1. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development

shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving

The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

29. **Ecology** (prev comments for now)

I have reviewed the additional information you forwarded (Biodiversity Impact Assessment) regarding the above planning application. I am generally happy with the proposals and have made more detailed comments below:

- To achieve optimum biodiversity on the site the proposed swale/soakaway should be landscaped and managed to provide habitat for wildlife.
- Planting in the open 'parkland' should be planted with native species to promote diversity, this includes creation of species rich grassland
- The illustrative masterplan shows a green 'wedge' where the boundary of the development meets Cats Hill Spinney - this should be planted to create/improve scrub/woodland habitat in this area; this will improve the woodland edge
- Planting in gardens should be of species attractive to pollinating insects. Garden lawns should be planted with a flowering lawn mixture such as Emorsgate EL1.
- Boundary hedgerows on the site should be retained and improved. Boundary trees should be retained.
- Trees proposed for planting on the residential streets should be appropriate species for 'street trees'.
- If close boarded fencing is to be used on site hedgehog holes should be created to allow movement between gardens and out into the wider natural environment.
- Bat bricks/boxes and bird (inc. Swift) bricks/boxes should be included in the development; these should be incorporated into the buildings on site; integrated bricks are preferable.

If the above are incorporated into the development then sufficient net gain in biodiversity should be achieved.

30. **Anglian Water**

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission

be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Ketton Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: FOUL SEWAGE & UTILITIES ASSESSMENT. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4)

INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5)

INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such,

we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented

31. **Environmental Protection**

In accordance with the Phase 1 Geo-Environmental Desk Study recommendations that a phase 2 intrusive investigation is undertaken and submitted to the LPA for approval: For any form of development, BRD recommend that an intrusive ground investigation is undertaken in order to confirm ground conditions and allow design of the new structures. It is recommended that the ground investigation for geotechnical assessment includes, a general spread of exploratory holes to confirm site conditions, the installation of groundwater monitoring pipes to determine standing groundwater levels and soakage testing in accordance with the BRE Digest 365 Soakaway Design guidance.

Neighbour Representations

32. There have been 54 objections from local residents at the time of writing.

The objections are summarised as follows:

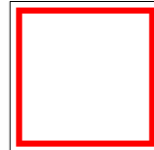

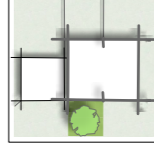

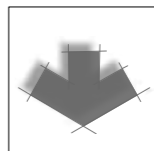
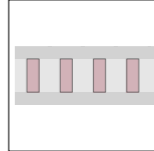
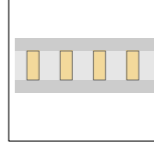
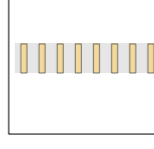
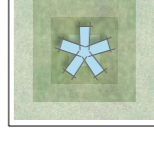
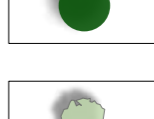
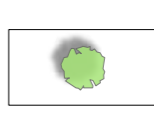
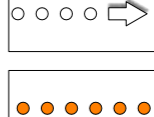
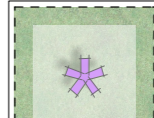

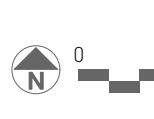
- Greenfield land should not be built on
- Recent refusal should not be overridden
- Loss of views (non material)
- Too close to rear of Timbergate houses
- Impact on village infrastructure
- Ecological impact
- Cumulative development in the village
- Highway safety
- Residential amenity

Conclusion

33. This application is acceptable on policy grounds on the basis the Council does not have a 5 year land supply. On the basis there were no other grounds for refusing the previous application, there are now no grounds for withholding permission for this proposal and permission should be granted in accordance with the Framework and the recommendation above.

APPENDIX 1

Key

-  Site Boundary
5.52Ha
-  Development Area
-  Illustrative Housing Strategy
up to 75 dwellings (dependent on housing mix)
-  67m Contour
-  Vehicular Access
-  Street
2m footpath - 5.5m road - 2m footpath
-  Lane
2m footpath - 4.8m road - 2m footpath
-  Shared Private Drive
circa 4.5m shared surface
-  Indicative
Drainage Basin
-  Existing Trees & Hedgerows
Taken from topo survey
-  Illustrative Landscape Strategy
Including buffer planting
-  Illustrative Landscape Strategy
Feature tree planting
-  Pedestrian / Cycle Links
2m/3m
-  Public Right of Way
-  Play Space
LEAP

